

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-FLINT**

**IN THE MATTER OF:**

Roscoe Benton, III  
Desi Najuana Benton,

Debtor.

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Bankruptcy Case No. 09-36642  
Honorable Daniel S. Opperman  
Chapter 7

**TRUSTEE'S OBJECTION TO CLAIM NO. 4 OF HURLEY MEDICAL CENTER, CLAIM  
NO. 8 OF PAUL CAREY, CLAIM NO. 9 OF INTERNAL REVENUE SERVICE, AND  
CLAIM NO. 14 OF MICHIGAN DEPARTMENT OF TREASURY**

**NOW COMES** Trustee, Samuel D. Sweet, and hereby states as follows:

1. On December 14, 2009, Debtor herein filed a Voluntary Petition under Chapter 13 of the Bankruptcy Reform Act of 1978, as Amended, Title 11.
2. Subsequent to the aforementioned bankruptcy filing this case was converted to a case under Chapter 7 and Samuel D. Sweet was appointed the duly qualified and acting Trustee in this matter.
3. The Trustee has liquidated certain assets and is holding certain monies for the benefit of creditors herein.
4. That Claim No. 4 of Hurley Medical Center filed on December 31, 2009 listed on the claims register as \$5,999.00 is inaccurate according to the Proof of Claim on file with this Court and shall be allowed as an unsecured claim in the correct amount of \$599.00.
5. That Claim No. 8 of Paul Carey filed as a secured claim on January 11, 2010 is a general unsecured claim and shall be allowed as such.
6. That Claim No. 9 of the Internal Revenue Service filed on January 13, 2010 and amended on September 17, 2010 appears to be a duplicate of Claim No. 22 of the Internal Revenue Service and shall be disallowed for this reason.
7. That Claim No. 14 of the Michigan Department of Treasury filed on March 19, 2010 appears to be a duplicate of Claim No. 15 of the Michigan Department of Treasury and shall be disallowed for this reason.

**WHEREFORE**, Trustee prays this Honorable Court enter the Order attached hereto as Exhibit "A" and grant such other and further relief this Court deems just and proper.

Respectfully submitted,

Dated: 8/30/16

/s/ Samuel D. Sweet  
By: Samuel D. Sweet (P48668)  
Chapter 7 Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
ssweet@trusteesweet.us

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
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**IN THE MATTER OF:**

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**PROPOSED ORDER SUSTAINING TRUSTEE'S OBJECTION TO  
CLAIM NO. 4 OF HURLEY MEDICAL CENTER, CLAIM NO. 8 OF PAUL CAREY,  
CLAIM NO. 9 OF INTERNAL REVENUE SERVICE, AND CLAIM NO. 14 OF MICHIGAN  
DEPARTMENT OF TREASURY**

This matter having come before the Court on the Trustee's Objection to Claim No. 4 of Hurley Medical Center, Claim No. 8 of Paul Carey, Claim No. 9 of Internal Revenue Service, and Claim No. 14 of Michigan Department of Treasury, having been previously filed with the Court, proper notice of which has been given by the Trustee to Claimant and subsequently no response having been timely filed by Claimant to such Objection, and the Court otherwise being fully informed in the premises;

**NOW THEREFORE;**

**IT IS HEREBY ORDERED** that the Trustee's Objection shall be SUSTAINED, and Claim No. 4 of Hurley Medical Center shall be allowed as an unsecured claim in the amount of \$599.00, Claim No. 8 of Paul Carey shall be allowed as a general unsecured claim, Claim No. 9 of the Internal Revenue Service shall be disallowed, and Claim No. 14 of the Michigan Department of Treasury shall be disallowed.

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HONORABLE DANIEL S. OPPERMAN  
U.S. BANKRUPTCY COURT JUDGE

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-FLINT

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NOTICE OF OBJECTION TO CLAIM

The Trustee, Samuel D. Sweet, has filed an objection to your claim in this bankruptcy case.

**Your claim, may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the Court to deny or change your claim, then on or before, October 5, 2016, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position at:

U.S. Bankruptcy Court  
226 W. Second Street  
Flint, MI 48502

If you mail your response to the court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Samuel D. Sweet, Chapter 7 Trustee, P.O. Box 757, Ortonville, MI 48462-0757

2. Attend the hearing on the objection, scheduled to be held on, October 12, 2016 at 9:30 a.m. in the United States Bankruptcy Court, 226 W. Second Street, Flint, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

Respectfully submitted,

BY: /s/ Samuel D. Sweet  
Samuel D. Sweet (P48668)  
Chapter 7 Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985

Date served: 8/30/2016

<sup>1</sup>Response or answer must comply with F.R. Civ. P 8 (b) (c) and (e)

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**CERTIFICATE OF SERVICE**

I hereby certify that on 8/30/2016, I served the following paper:

Trustee's Objection to Claim No. 4 of Hurley Medical Center, Claim No. 8 of Paul Carey, Claim No. 9 of Internal Revenue Service, and Claim No. 14 of Michigan Department of Treasury; Proposed Order; Notice of Trustee's Objection to Claim; and this Certificate of Service;

on the following parties at these addresses:

Roscoe and Desi Benton  
2569 Florence Drive  
Rochester Hills, MI 48309

Henry J. Sefcovic  
Attorney for Debtor  
[sefcovic2002@yahoo.com](mailto:sefcovic2002@yahoo.com)  
(via ECF transfer only)

Hurley Medical Center  
c/o MMCC xxx8031  
6324 Taylor Drive  
Flint, Michigan 48507

Paul Carey  
7588 Merlin Ct.  
Rancho Cucamonga, CA 91730

IRS  
P.O. Box 21125  
Philadelphia, PA 19114-0326

Michigan Department of Treasury  
Bankruptcy Unit  
P.O. Box 30168  
Lansing, Michigan 48909

by the following means:

United States first-class mail

/S/ SAMUEL D. SWEET  
Samuel D. Sweet (P48668)  
Chapter 7 Trustee  
P.O. Box 757  
Ortonville, MI 48462-0757  
(248) 236-0985  
ssweet@trusteesweet.us